

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 KIM M. SETTLES
Deputy Attorney General
4 State Bar No. 116945
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2138
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-106**

13 **BRYAN TERRANCE HOLM**
302 Birch Street
14 **Brookings OR 97415**
15 **Registered Nurse License No. 528155**

A C C U S A T I O N

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 27, 1996, the Board of Registered Nursing issued Registered
23 Nurse License Number 528155 to Bryan Terrance Holm (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought in this accusation
25 and will expire on June 30, 2012, unless renewed.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof."

8 8. Section 490 of the Code provides, in pertinent part, that a Board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially
10 related to the qualifications, functions, or duties of the business or profession for which the
11 license was issued.

12 **COST RECOVERY**

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **DRUGS**

18 10. Xanax – is used for treatment of anxiety and panic disorder. It is a Schedule IV
19 controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1) and a
20 dangerous drug pursuant to Code section 4022. Xanax is the brand name for the controlled
21 substance, Alprazolam, a benzodiazepam derivative.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime)**

24 11. Respondent has subjected his license to disciplinary action under sections 2761,
25 subdivision (f) and 490, in that on or about March 10, 2009, he was convicted by the court on his
26 plea of guilty of a violation of driving a vehicle under the influence of alcohol, in Curry County,
27 Circuit Court, State of Oregon, Case No. 09CR139. The circumstances of the crime are that on or
28 about February 4, 2009, Respondent ran a red light, failed to use his turn signal, and failed to

1 come to a complete stop at a stop sign. The police officer observed six empty beer cans in the
2 back seat of Respondent's vehicle and a full six pack of beer sitting in the front passenger seat.
3 Respondent admitted to consuming six beers, four hours before driving. A breath sample
4 revealed that Respondent had a blood alcohol content of 0.19%.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Offense Involving Alcohol Consumption)**

7 12. Respondent has subjected his license to disciplinary action under section 2761,
8 subdivision (a) on the grounds of unprofessional conduct as defined in Code section 2762,
9 subdivision (c) by virtue of the conviction set forth in paragraph 11, above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct/Use of Alcohol)**

12 13. Respondent has subjected his license to disciplinary action under section 2761,
13 subdivision (a) on the grounds of unprofessional conduct as defined in 2762, subdivision (b) as
14 follows:

15 A. On or about October 14, 2009, while employed as a registered nurse at Pelican
16 Bay Correction Treatment Center in Crescent City, California, Respondent reported to work
17 intoxicated. Respondent agreed to submit to a drug/alcohol test. Respondent had a blood alcohol
18 content of 0.14%. Respondent admitted that he drank tequila and took Xanax prior to reporting to
19 work. Respondent admits that he has a bi-polar disorder that is controlled with medication.

20 B. On or about February 4, 2009, Respondent drove a vehicle while having a
21 blood alcohol content of 0.19%, as set forth in paragraph 11, above.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 528155, issued to Bryan
26 Terrance Holm;


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1 2. Ordering Bryan Terrance Holm to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: August 15, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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